



TEXASCASA
Court Appointed Special Advocates
FOR CHILDREN

MOVING TOWARD A CHILD, YOUTH & FAMILY-CENTERED SYSTEM: *OPPORTUNITIES IN COURT & SERVICE PLANNING*

A report by Texas CASA

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SUPREME COURT OF TEXAS PERMANENT JUDICIAL
COMMISSION FOR CHILDREN, YOUTH AND FAMILIES





TEXAS CASA VISION

A safe and positive future for all Texas children.

TEXAS CASA MISSION

To support local CASA volunteer advocacy programs and to advocate for effective public policy for children in the child protection system.

THE CASA WAY

We have an uncompromising belief that we will achieve what others think is impossible, and each of us is an essential part of the solution.

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SUPREME COURT OF TEXAS PERMANENT JUDICIAL
COMMISSION FOR CHILDREN, YOUTH AND FAMILIES

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BACKGROUND

Texas CASA is proud of the significant role that CASA programs and CASA volunteer advocates serve in the child protection system. CASA provides support and advocacy for children, youth and young adults in state care. In their role as Guardian Ad Litem (GAL) or volunteer advocate, CASA develops an understanding of the needs of children and families and helps inform judicial decisions in the best interests of the child, along with Child Protective Services (CPS) caseworkers, Attorneys Ad Litem and other partners.

While CASA is often referred to as the “voice of the child” in child protection proceedings, policy and practice over the last decade have evolved to help assure that, whenever possible, the actual voice of the child or youth is directly expressed and heard in legal proceedings and in developing and delivering service plans.

Youth voice is important both because it values and respects the child or youth, and because it allows meaningful involvement and control that is psychologically and emotionally beneficial. Increasingly, the child protection and legal systems similarly recognize the importance of utilizing and recognizing the voices of youth, parents and family. Many improvements have been made to state and federal laws and policies to elevate and include these voices in individual case decisions and in policymaking. However, Texas CASA and the CASA network continue to see challenges in integrating child, youth and family voice in the court and service planning processes across the state.

Despite the fact that Chapter 263 of the Texas Family Code mandates all children in conservatorship of the Department of Family and Protective Services (DFPS) to attend all permanency hearings, many children and youth report not knowing about their court dates. Participation and engagement by youth in court is still the exception, not the norm. A national survey conducted in 2006 by Home At Last, an outreach and education partner of the Children’s Law Center of Los Angeles, found that “an overwhelming majority of youth respondents stated they attend court only some of the time (73%), followed by never (29%), most of the time (20%), and always (18%)”¹. However, in 2015, an American Bar Association study showed overwhelmingly that “foster youth want to participate in decisions affecting their lives”². More recently, the Texas Children’s Commission released a report on legal representation in Texas³ which included survey data showing that there is substantial room for improvement in informing and preparing child clients for court hearings. Even though most best-practice guides recommend that all children attend court hearings, there are still persistent barriers to involving children and youth in the court process. Additionally, parents and parents’ rights groups in Texas regularly report that their clients feel disempowered from speaking up during their hearings, and some parents report that their attorneys advise them not to speak to the judge, which leaves

¹National Council of Juvenile and Family Court Judges, *Seen, Heard, and Engaged: Children in Dependency Court Hearings*, 2012, http://www.ncjfcj.org/sites/default/files/CJC_FINAL.pdf. Last visited August 8, 2018.

²American Bar Association, *Engaging Youth in Court: A National Analysis*, 2015, http://www.americanbar.org/content/dam/aba/administrative/child_law/youthengagement/NationalAnalysisFinal.authcheckdam.pdf. Last visited August 8, 2018.

³Supreme Court of Texas Children’s Commission, *2018 Study of Legal Representation in Child Protective Services Cases*, 2018, <http://texaschildrenscommission.gov/media/83923/2018-legal-representation-report-final-online.pdf>. Last visited August 8, 2018.

some judges with the impression that the parents are not invested in their case or service plan.

The state and federal push to utilize child, youth and family voice in child welfare cases has made its way into recent Texas reform initiatives, including the Single Child’s Plan of Service. In 2015, as part of DFPS Transformation, many regions around Texas began blending the separate service plans by CPS and by the Child Placing Agency (CPA) into one cohesive service plan, which “seeks to increase collaboration between CPS, parents, caregivers, and contracted placements” as well as “align timeframes between CPS policy, minimum standards and contracts”⁴. The Single Child’s Plan of Service is meant to better incorporate child, youth and family voice into service planning for the child and to help clarify and unify everyone’s goals for the child or youth.

Additionally, the Texas child welfare system is undergoing major reform as Community Based Care is rolled out across the state. This new system will be more community-oriented and has the opportunity to incorporate best practices and innovations. At the same time, as state-employed caseworkers go away and private contractors step into the state’s role, child, youth and family voice will become even more important.



⁴Texas CASA, Single Child’s Plan of Service Initiative, 2017, <http://texascasa.org/wp-content/uploads/2016/07/Single-Child-Plan-for-CASA.pdf>. Last visited August 10, 2018.

FORMING RECOMMENDATIONS

To respond to these challenges and opportunities, Texas CASA partnered with the Supreme Court of Texas Children’s Commission to hold a one-day event, which brought together current and former foster youth, biological parents, foster care providers, kinship caregivers, CPS staff, CASA staff and volunteers, and other child welfare stakeholders to meaningfully discuss and make recommendations for improvement.

The 2018 Child Welfare Primer - *Moving Toward a Child, Youth and Family-Centered System: Opportunities in Court and Service Planning* was held on July 25, 2018 in Austin, Texas. Given the event’s emphasis on child and youth voice and involvement, Texas CASA worked with DFPS and the University of North Texas (UNT) to include participation by a significant number of youth currently, and formerly, in foster care. Twenty-two representatives from the DFPS Youth Leadership Council attended and participated in the Primer, as well as three foster alumni currently attending UNT. Every table discussion group included at least one youth currently or formerly in foster care.

Texas CASA worked with a planning committee of key subject matter experts to plan the event with the goal of successfully bringing together professionals and people with lived experience in order to elicit new and practical recommendations for increasing family and youth voice in both the legal and service planning processes. The planning committee included representatives from the following groups:

Supreme Court of Texas Children’s Commission
Texas Network of Youth Services
University of North Texas PUSH Program
Department of Family and Protective Services
Texans Care for Children
Texas Institute for Child & Family Well-Being
DFPS Parent Collaboration Group

The planning committee helped Texas CASA develop the agenda, draft table discussion questions and recruit attendees. They also suggested expert panelists and provided feedback on the structure of the day in order for it to be trauma-informed and effective for the diverse audience in attendance.

There were two panel discussions, each consisting of a panel of experts and individuals with lived experience who briefly discussed their experiences, focusing on what worked well to get them engaged and what would have further empowered them to speak up in the court and service planning processes.

The first panel, ***Service Planning & the Single Child’s Plan of Service: What Is It & How Will it Work to Improve Child & Family Involvement?***, discussed recent DFPS initiatives to update how

service plans are created, with the goal of increasing collaboration between CPS, parents, caregivers and contracted placements. Panelists included:

- **Verlyn Johnson**, State of Texas Parent Representative, Waco, Texas
- **Randy Spencer**, Senior Vice President of Organizational Impact, Presbyterian Children’s Homes and Services
- **Montoya Thomas**, Youth Formerly in Foster Care
- **Donna Wiebelhaus**, Kinship Caregiver

The panel was moderated by **Carol Self**, Director of Permanency, DFPS.

The second panel, ***Family & Youth Court Involvement: How Can We Elevate Their Voices?***, discussed the importance of family and youth advocacy in court and in the legal process.

Panelists included:

- **Mercedes Bristol**, Kinship Caregiver
- **Isaac Delacerda**, Youth in Foster Care
- **Michelle Hansford**, Parent Coach Navigator, Santa Maria Hostel
- **Judge Aurora Martinez Jones**, Associate Judge, Travis County

The panel was moderated by **Judge Darlene Byrne**, 126th District Court, Travis County.



Panel 1: Service Planning & the Single Child’s Plan of Service: What Is It & How Will it Work to Improve Child & Family Involvement?

FACILITATED CONVERSATIONS

Each panel was followed by table discussions led by a facilitator. The goal of the facilitated table discussions was to develop a broad array of recommendations to improve court and service planning, putting families and children at the center. Attendees included a diverse collection of child welfare advocates, youth currently and formerly in care, parents with CPS involvement, DFPS staff and CASA volunteers, who each offered a unique and valuable perspective on elevating child, youth and family voice in the areas of court and service planning. In order to ensure a broad perspective on each discussion question, attendees were assigned to tables each focused on two of 15 total guided discussion questions. The questions are listed below.

On the single plan of service:

1. What can be done to ensure the child's plan of service is meaningful? How can child welfare stakeholders remain accountable for executing the plan?
2. Do family members and children/youth find value in service planning? If so, what do they find valuable? What can be done to further improve the process?
3. How can we incorporate parent voice if they are not able to attend the meeting?
4. How can we incorporate child/youth voice if they are not able to attend the meeting?
5. How can communication between judges and child advocates about the service plan be improved?
6. How can all children, including young children, be meaningfully involved in service planning?
7. How can we improve accountability for adherence to the service plan by all parties, including judges and child advocates?

On the court process:

1. How can child advocates "elevate child and youth voice" in court throughout the case?
2. How can we use technology (email, text, skype, videos, etc.) to improve child and youth voice in court?
3. How can we encourage and support parents to speak up on their cases? What does this look like if the parent has an attorney? What if they don't have an attorney?
4. How do we ensure child and youth voice is incorporated into the process and shared if they cannot attend court remotely or in person? How is this communicated with the child/youth following the court hearing?



5. What efforts can be made to ensure the child/youth is not only informed about the status of the case, but also that they understand the impact?
6. How can we help child advocates and others feel comfortable talking about difficult parts of the case in front of the child/youth?
7. How can we help child advocates and others feel comfortable talking about difficult parts of the case in front of parents/families?
8. What is the follow-up and engagement with parents after court hearings?

Key child welfare stakeholders moderated the table discussions, first hearing about the experience and perspective of the various table members before generating recommendations as a group. The top three recommendations from each table were then reported out to the entire group. Following the report-out, attendees were provided with voting dots to indicate the top recommendation they supported on each of the 15 discussion topics. The next section details the key themes from the recommendations shared during the facilitated table conversations.



KEY THEMES

The following action and policy themes were repeatedly recommended by Primer attendees across all discussion questions and on both topics:

- ***Advance notice and detailed information:*** Whether in the court or service planning process, being expected to share thoughts without first having a clear idea of the type of meeting and its potential impact impedes the ability of youth and families to speak up on their own behalf. Going beyond “Be at X place at Y time”, attendees with lived experience expressed that advocates should give detailed information to parties ahead of time about what will be covered and what is to be expected at any event where their case is discussed, so that the individual has time to think about what they need to communicate regarding their needs and desires.
- ***Regular follow-up:*** Regular follow-up by child advocates is needed to increase collaboration and cohesiveness across partners and ensure adherence to the service plan. More frequent and regular follow-up will not only engage the family, it will also serve to hold other parties in the case accountable for responsibilities on their end.
- ***Smarter technology usage:*** Today, it is easier than ever before to stream youth and family voice directly into the courtroom, even in cases where regular court appearance is geographically difficult. New technology can also be used to improve collaboration and secure communication around a child’s plan of service and has the potential to ameliorate many of the logistical complications that come with a team-based approach to planning.
- ***Emphasis on accessibility in language:*** The court and service planning processes are filled with jargon essential for professional understanding, but often intimidating and overwhelming to children and families. Especially when the child or family is present in the courtroom and could be exposed to some traumatizing or tough subjects related to their case, it is important that the language used is clear, child-friendly, and easy to understand.
- ***Improved placement proximity:*** Placing a child far away from their home county continues to be a risk factor for many negative outcomes in the child welfare system, and can make it extremely difficult for families and youth to participate in person in court and/or service planning meetings.
- ***Quality representation:*** Lastly, having quality legal representation, as well as a CASA, appointed early in the case is of vital importance, not only for the court process but for consistency and accountability throughout the life of the case. Early appointment of both attorneys for parents and advocates for children could help to ensure that many of the other recommendations outlined above are executed effectively.

APPENDIX A

Below is the comprehensive list of recommendations for improving child, youth and family voice raised by attendees at the 2018 Texas CASA Child Welfare Primer. They are listed in descending order based on the number of votes each recommendation received.

Single Plan of Service:

1. *Ensuring a meaningful plan of service for the child and holding stakeholders accountable*

- Give youth advanced notice of the types of questions to consider – 61
- Break down goals into achievable timelines – 33
- Needs to be an evolving process, more regularly than every six months – 32
- Needs to be a “champion” for the youth’s voice, designate someone they trust – 7
- Speak to judges in chambers – 6
- Have technology available for communication – 4
- Let’s ask youth what time/date is best for their schedule – 2

2. *Improving service planning and increasing its value to family members and the child/youth*

- Revise and improve the plan regularly, have regular follow ups (Child plans are due within 45 days, should have a follow up after 60 days) – 47
- Involve youth early in the process – 40
- Increase parent involvement – 19
- Offer kinship providers services even after case closes – 16
- Increase youth participation and flexibility in plan – 11
- Improve collaboration between parties, focus on needs – 8
- Improve consistency on goals – 4
- Put value in members participating in the process – 2
- Have regular follow-ups – 0

3. *Incorporating parent voice if they aren’t able to attend the meeting*

- Schedule outside of work hours and be flexible with communication, use technology – 82
- Have CASA-type advocate for parents – 35
- Offer transportation options – 9
- Increase communication with parent – 5
- Improve collaboration between partners – 3
- Allow for someone to be their voice or representative in the room – 1

4. *Incorporating child/youth voice if they aren’t able to attend the meeting*

- Utilize technology or other communication methods – 71
- Better inform youth in advance, provide framework and results – 36
- Voice record youth and play during meeting – 23
- Let youth designate an advocate on their behalf – 16
- Have them bring a sentimental item – 3
- Let CASA be youth voice if it’s not already being used – 3

5. *Improving communication between judges and child advocates about the service plan*

- Elevate youth’s voice ALWAYS! Advocate for every child – 35
- Make sure CPS is completing plan and include in court report – 35
- More open lines of communication – 32
- Judges only allowed to hear CPS cases – 13
- Document if service plan is not being followed – 9

- Advocates send one summary email to all parties in between hearings – 7
 - Find out how judges prefer communication and implement – 5
 - Learn from other regions what they do and implement – 2
6. *Ensuring all children, including young children, can be meaningfully involved in service planning*
- Use words/language that is kid-friendly and clear – 59
 - Give advance info to youth so they can better advocate for themselves - 45
 - Use older siblings – 20
 - Give parents a non-judgmental opportunity to voice their opinion – 6
 - Children/youth always in attendance – 4
 - All parties must commit to the process and be included – 3
7. *Improving accountability for adherence to the service plan by all parties, including judges and child advocates*
- Create a secure method of communication and utilize/make available to all – 73
 - Make sure there is a point person and include updates in court report – 39
 - Written statement of plans, goals, roles – 12
 - Set meetings far in advance and make a process for absences – 7
 - Consistency in communication to all parties – 7
 - Have deadlines in the plan, adjust as necessary, and notify parties – 1

Court Process:

1. *How child advocates can “elevate child and youth voice” in court throughout the case*
- Empower the youth to understand their role/voice in the court process – 38
 - Ensure the youth has direct and private contact with the judge – 37
 - Add section to court report for youth – 21
 - Advocate build stronger relationship with ad litem - 11
 - Have someone the youth is familiar with come with them – 9
 - Before every hearing, youth is asked their needs/wants – 6
 - During PAL process, provide report process, normalcy goals, general info – 2
 - Ensure everyone knows there are multiple options, e.g. letter on iPhone – 1
 - Let youth visit court before hearing – 0
2. *Using technology (email, text, skype, videos, etc.) to improve child and youth voice in court*
- Keep kids closer to home – 67
 - Provide older youth with a phone – 24
 - Prioritize use of tech for court communication – 19
 - Youth specify who can see recording – 2
 - Find access for computers for youth – 0
 - Ask youth who could record them – 0
3. *Encouraging and supporting parents to speak up on their cases, and the difference an attorney makes*
- Increase accountability of advocates like we do parents – 61
 - Model Judge Sakai’s roundtable format for court, including parents – 23
 - Empower parents to be their own advocate e.g. provide evidence of their hard work – 8
 - Early and quality representation for parents – 8
 - Have discussions with parents about court in advance – 5
 - Cultivate better relationships between parents and advocates – 3
 - Training for youth to speak up – 1
 - Include parent voice in court report – 1
 - Be clearer about CPS goals: reunification or termination – 0

4. Incorporating child and youth voice into the process if they cannot attend court remotely or in person, and improving communication following the court hearing

- Have a youth court report filed by youth – 43
- Mandatory time with judge at least once – 32
- Incorporate time youth can be there, otherwise send in report – 25
- Youth identify person to follow up with – 3
- Have questions for youth before court – 2
- Advocates must EACH follow up with youth – 2
- Have ad litem/CASA follow up – 2
- Set 14-day deadline – 1
- See what type of environment the child is living in – 1
- Use tech to play for judge – 0

5. Ensuring the child/youth is not only informed about the status of the case, but also that they understand the impact

- Use kid-friendly way to explain court process – 42
- Improve communications, slow down pace and make kid friendly, use visuals and good timing for youth – 38
- More time in chamber with judge – 14
- Set advocate for child – 8
- Remember, kids are kids! They may react impulsively! Let them process and check in later – 6
- Have different people speak with youth e.g. a therapist – 3
- Make sure advocates are in sync with language – 0
- Use active listening skills – 0

6. Making child advocates and others more comfortable talking about difficult parts of the case in front of the child/youth

- Let the child speak first to set the tone – 57
- Prepare them for tough questions, let it be child-guided – 23
- Deliver news in presence of therapist – 12
- Don't assume child's emotions, don't project – 7
- Have consistent advocates over course of the case – 3
- Don't blur the lines between guardian and attorney – 2
- Make sure advocate is prepared to talk about tough issues – 2

7. Helping child advocates and others feel comfortable talking about difficult parts of the case in front of parents/families

- Build relationships first – 59
- Use honest, clear language – 29
- Try to have conversations in casual settings – 10
- Be prepared for tough conversations – 8
- Encourage positive language – 7
- Understand everyone's roles – 2
- Set expectations by judge, let judge order team meetings – 2
- Everything needs to be disclosed – 2

8. Improving follow-up and engagement with parents after court hearings

- Have list of resources to get started – 49
- Emotional support and debrief – 31
- Courts honor deadlines and goals, ensure advocates are following through – 18
- Consistency across courts and communication – 11
- Court advocacy scale that is need-based on family's ability to navigate system – 5
- Include contact info of advocates – 4
- List stakeholders with contact info on magnet – 2

RESOURCES

- Training and Technical Assistance Package for lawyers and judges from The Bar-Youth Empowerment Project: https://www.americanbar.org/content/dam/aba/publications/center_on_children_and_the_law/empowerment/Youth_in_court_technical_assistance_package.doc
- Texas CASA brief on the Single Child's Plan of Service: <http://texascasa.org/wp-content/uploads/2016/07/Single-Child-Plan-for-CASA.pdf>
- Texans Care for Children issue brief on The Family First Act: <https://static1.squarespace.com/static/5728d34462cd94b84dc567ed/t/5b280ca10e2e72e42974fb17/1529351330755/KM-intro-to-family-first-act.pdf>
- Texas Network of Youth Services video on the importance of youth voice: <https://www.youtube.com/watch?v=g4LkYOQGDMM>
- Supreme Court of Texas Children's Commission Round Table Report on the Child's Presence in Court: http://texaschildrenscommission.gov/media/1324/41718-youth-presence-in-court-proceedings-report_final.pdf
- Texas DFPS Policy Handbook: <http://www.dfps.state.tx.us/Handbooks/CPS/Menu/MenuCPS6000.asp>





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